

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

**FILED**

OCT - 9 2003

MICHAEL W. DOBBINS  
CLERK, U.S. DISTRICT COURT

CHERYL BAGBY,

Plaintiff,

v.

EXPERIAN INFORMATION SOLUTIONS,

SEARS,

Defendants.

Civil Action No. 03 C 2828  
Judge Kennelly

**DOCKETED**

OCT 10 2003

NOTICE OF FILING

TO:

Ms. Julie Davis Egan  
Blatt, Hasenmiller, Lebsker & Moore, LLC  
2 N. LaSalle St,  
Suite 900  
Chicago IL 60602

Mr. Abraham J. Coleman  
Buchalter, Nemer, Fields & Younger  
601 S. Figueroa St.  
Suite 2400  
Los Angeles CA 90017-5704

On 10-9, 2003, we cause to be filed in the United States District Court for the Northern District of Illinois, **Plaintiff's Acceptance of Offer of Judgment** attached hereto and served upon you.

By: 

Larry P. Smith

Name: KROHN & MOSS, LTD.  
Attorneys For: Plaintiff  
Address: 120 West Madison Street, 10<sup>th</sup> Floor  
City: Chicago, Illinois 60602  
Telephone: (312) 578-9428

CERTIFICATE OF SERVICE BY MAIL

I, Larry P. Smith, certify that a true and correct copy of the foregoing Notice was served upon counsel of record by depositing the same on October 9, 2003, in the U.S. Mail Chute located at 120 West Madison Street, Chicago, Illinois, enclosed in an envelope with first class postage prepaid thereon.

By: 

Larry P. Smith

(6)

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FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

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MICHAEL W. DOBBINS  
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ACCEPTANCE OF OFFER OF JUDGMENT

NOW COMES the Plaintiff, CHERYL BAGBY ("Plaintiff"), by and through her attorneys, KROHN & MOSS, LTD., and accepts the Offer of Judgment against the defendants SEARS, offering in the amount of \$3,000.00, pursuant to Rule 68, served upon plaintiff on October 2, 2003 and attached hereto as Exhibit A.

Respectfully Submitted,  
CHERYL BAGBY

By: 

Larry P. Smith

KROHN & MOSS, LTD.  
Attorneys for Plaintiff  
120 W. Madison St., Suite 1001  
Chicago, IL 60602  
(312) 578-9428

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**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

CHERYL BAGBY,

Plaintiff,

vs.

EXPERIAN INFORMATION SOLUTIONS,  
SEARS, DISCOVER FINANCIAL  
SERVICES,

Defendants.

Civil Action No. 03C2828

Judge Kennelly

Magistrate Judge Schenkier

**OFFER OF JUDGMENT OF SEARS, ROEBUCK AND COMPANY,  
PURSUANT TO RULE 68 OF THE FEDERAL RULES OF CIVIL PROCEDURE**

Pursuant to Federal Rules of Civil Procedure ("FRCP") Rule 68, Defendant Sears, Roebuck and Co. ("Sears") hereby offers to allow judgment to be taken against it in the above-captioned matter, and in favor of Plaintiff Cheryl Bagby ("Plaintiff"), in the total sum of \$3,000, inclusive of all costs and reasonable attorneys' fees incurred to date.

This offer is made for purposes of FRCP Rule 68 only and neither it nor any judgment that may result from this offer may be construed either as an admission of liability on the part of Sears or that Plaintiff has suffered any actual damages.

This offer will be deemed withdrawn within ten (10) days of the date it was served on you unless you have served Sears with a written notice of acceptance prior to then.

In the event that Plaintiff does not accept the offer and she fails to obtain a more favorable judgment against Sears at trial of this matter, Plaintiff will be liable for the costs incurred by Sears following the date of this offer and will not be entitled to recover Plaintiff's own post-offer costs and attorneys' fees.



DATED: September 29, 2003

Respectfully submitted,

BUCHALTER, NEMER, FIELDS & YOUNGER, P.C.

By: 

Brandon A. Block (admitted *pro hac vice*)

*In association with*

BLATT, HASENMILLER, LEIBSKER & MOORE  
Attorneys for Defendant  
SEARS, ROEBUCK AND CO.

**PROOF OF SERVICE**

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is at Buchalter, Nemer, Fields & Younger, A Professional Corporation, 601 South Figueroa Street, Suite 2400, Los Angeles, California 90017-5704.

On October 2, 2003, I served the foregoing document described as:

**OFFER OF JUDGMENT OF SEARS, ROEBUCK AND COMPANY, PURSUANT TO  
RULE 68 OF THE FEDERAL RULES OF CIVIL PROCEDURE**

on all other parties and/or their attorney(s) of record to this action by placing a true copy thereof in a sealed envelope as follows:

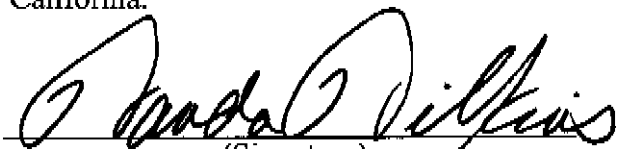
**AMY SCHWAB, ESQ.  
KROHN & MOSS, LTD.  
120 WEST MADISON STREET  
10<sup>TH</sup> FLOOR  
CHICAGO, IL 60602**

☒ **BY MAIL** I am a resident of, or employed in, the county where the mailing occurs; I am over the age of 18 years and am not a party to the cause. I am readily familiar with the business' practice for collection and processing of correspondence for mailing with the United States Postal Service. The correspondence will be deposited with the United States Postal Service this same day in the ordinary course of business. The address(es) shown above is(arc) the same as shown on the envelope. The envelope was placed for deposit in the United States Postal Service at Buchalter, Nemer, Fields & Younger in , California on October 2, 2003. The envelope was sealed and placed for collection and mailing with first-class prepaid postage on that date following ordinary business practices. Service made pursuant to CCP § 1013a(3), upon motion of a party served, shall be presumed invalid if the postal cancellation date or postage meter date on the envelope is more than one day after the date of deposit for mailing contained in the affidavit.

☒ **Federal** I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on October 2, 2003, at Los Angeles, California.

Wanda Wilkins

  
(Signature)